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3                   UNITED STATES DISTRICT COURT  
4                   WESTERN DISTRICT OF WASHINGTON  
5                   AT TACOMA

6 GABRIEL G. PRIETO, DEC'D,

7                   Plaintiff,

8                   v.

9 MICHAEL J. ASTRUE, Commissioner of  
10 Social Security,

11                   Defendant.

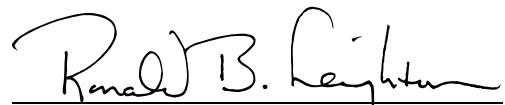
Case No. C09-5731RBL-KLS

ORDER

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13         The Court, having reviewed plaintiff's complaint, the Report and Recommendation of  
14 Judge Karen L. Strombom, United States Magistrate Judge, and objections to the report and  
15 recommendation, if any, and the remaining record, does hereby find and ORDER:

- 16         (1) the Court adopts the Report and Recommendation;  
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18         (2) the ALJ erred in her decision as described in the Report and Recommendation;  
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20         (3) the matter is therefore REVERSED and remanded to the Commissioner for further  
21                   administrative proceedings; and  
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23         (4) the Clerk is directed to send copies of this Order to plaintiff's counsel, defendant's  
24                   counsel and Magistrate Judge Karen L. Strombom.

25 DATED this 3<sup>rd</sup> day of December, 2010.

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RONALD B. LEIGHTON

UNITED STATES DISTRICT JUDGE

ORDER - 1